

## REMARKS/ARGUMENTS

Claims 1-62 are pending in the present application. The Examiner has rejected claims 1-62. Applicant respectfully requests reconsideration of pending claims 1-62.

The Examiner has rejected claims 1-62 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,201,810, issued to Masuda et al. Applicant respectfully disagrees.

Regarding claim 20, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 20. Applicant submits Masuda et al. fails to disclose "detecting control plane congestion at a network element." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "control plane congestion." Applicant further submits Masuda et al. fails to disclose "generating a congestion notification corresponding to the control plane congestion." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "corresponding to the control plane congestion." Applicant also submits Masuda et al. fails to disclose "providing the congestion notification to at least one additional network element in the signaling network, wherein the at least one additional network element utilizes the congestion notification for routing control traffic around the network element at which the control plane congestion has been detected." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "wherein the at least one additional network element utilizes the congestion notification for routing control traffic around the network element at which the control plane congestion has been detected." Thus, Applicant submits claim 20 is in condition for allowance.

Regarding claim 21, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 21. Applicant submits Masuda et al. fails to disclose providing "the congestion notification via a routing plane within the signaling network." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "control plane congestion" or providing "the congestion notification via a routing plane." Thus, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 22. Applicant submits Masuda et al. fails to disclose "the congestion notification is provided to neighboring network elements proximal to the network element." For example, Applicant can find no teaching in the cited portion of Masuda et

al. of "control plane congestion" or providing "the congestion notification via a routing plane." Thus, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 23. Applicant submits Masuda et al. fails to disclose providing "the congestion notification via a signaling plane within the signaling network." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "control plane congestion" or providing "the congestion notification via a signaling plane." Thus, Applicant submits claim 23 is in condition for allowance.

Regarding claim 24, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 24. Applicant submits Masuda et al. fails to disclose providing "the congestion notification in response to a received connection setup message generated by a source node in the network, wherein the at least one additional node includes the source node." For example, Applicant can find no teaching in the cited portion of Masuda et al. of providing "the congestion notification in response to a received connection setup message generated by a source node in the network." Applicant also notes the Examiner has not identified any specific feature of Masuda et al. as allegedly teaching "a received connection setup message generated by a source node in the network." Thus, Applicant submits claim 24 is in condition for allowance.

Regarding claim 25, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 25. Applicant submits Masuda et al. fails to disclose "the congestion notification is provided to each network element along a path traversed by the connection setup message." For example, Applicant can find no teaching in the cited portion of Masuda et al. of providing "a connection setup message," much less a "congestion notification...provided to each network element along a path traversed by the connection setup message." Applicant also notes the Examiner has not identified any specific feature of Masuda et al. as allegedly teaching a "connection setup message." Thus, Applicant submits claim 25 is in condition for allowance.

Regarding claim 26, the Examiner cites col. 7, lines 14-54, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 26. Applicant submits Masuda et al. fails to disclose "wherein the congestion indication includes at least one congestion parameter from the set of congestion parameters that includes: a congestion type that distinguishes between node congestion and

link congestion, a congestion location, and a congestion level." For example, Applicant can find no mention of "congestion" in the cited portion of Masuda et al., much less "at least one congestion parameter from the set of congestion parameters that includes: a congestion type that distinguishes between node congestion and link congestion, a congestion location, and a congestion level."

Applicant also notes the Examiner has not identified any specific feature of Masuda et al. as allegedly teaching "at least one congestion parameter." Thus, Applicant submits claim 26 is in condition for allowance.

Regarding claim 27, the Examiner cites col. 1, lines 6-14, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 27. Applicant submits Masuda et al. fails to disclose the invention as set forth in claim 27. For example, Applicant has presented arguments for the allowability of a claim from which claim 27 depends. Thus, Applicant submits claim 26 is also in condition for allowance.

Regarding claim 28, the Examiner cites col. 7, line 55, through col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 28. Applicant submits Masuda et al. fails to disclose "wherein the signaling network is a source routed control network." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "a source routed control network." Applicant also notes the Examiner has not identified any specific feature of Masuda et al. as allegedly teaching "a source routed control network." Thus, Applicant submits claim 28 is in condition for allowance.

Regarding claim 29, the Examiner cites col. 5, lines 34-42, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 29. Applicant submits Masuda et al. fails to disclose the invention as set forth in claim 29. For example, Applicant has presented arguments for the allowability of a claim from which claim 29 depends. Thus, Applicant submits claim 29 is also in condition for allowance.

Regarding claims 1-10, the Examiner states, "they feature the same limitations as claims 20-29 and are rejected for the same reasons as claims 20-29." Applicant respectfully disagrees. For example, Applicant notes claim 3 includes the feature "wherein the neighboring network elements propagate the congestion notification to subsequent neighboring network elements," which is not included in claims 20-29. Moreover, Applicant notes the Examiner has not alleged the Masuda et al. to teach such feature. Also, Applicant has presented arguments for the allowability of claims 20-29. To whatever

extent similarity may exist between one or more of claims 1-10 and one or more of claims 20-29 such that those arguments would also apply to one or more of claims 1-10, Applicant asserts those arguments. Thus, Applicant submits claims 1-10 are in condition for allowance.

Regarding claim 30, the Examiner cites col. 8, lines 18-67, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 30. Applicant submits Masuda et al. fails to disclose "wherein utilization of the congestion notification by the at least one additional network element further comprises at least one of: updating routing tables, generating a congestion database, propagating the congestion notification to additional elements in the network, and compiling statistics reflecting network performance." For example, Applicant can find no teaching in the cited portion of Masuda et al. of "control plane congestion" or providing "the congestion notification via a routing plane." Thus, Applicant submits claim 30 is in condition for allowance.

Regarding claim 31, the Examiner cites col. 7, line 55, to col. 8, line 15, of Masuda et al. as allegedly teaching the claimed invention as set forth in claim 31. Applicant submits Masuda et al. fails to disclose "congestion notification includes a congestion level and wherein utilization of the congestion notification further comprises reducing control traffic to the network element at which the control plane congestion has been detected, wherein an amount of reduction in control traffic to the network element is based on the congestion level." For example, Applicant notes Masuda et al. state, in col. 8, lines 6 and 7, "...the congestion status is checked by referring to the CI flag of the tree table 81," which Applicant submits fails to disclose "congestion notification includes a congestion level and wherein utilization of the congestion notification further comprises reducing control traffic to the network element at which the control plane congestion has been detected, wherein an amount of reduction in control traffic to the network element is based on the congestion level." As another example, Applicant notes Masuda et al. state, in col. 8, lines 8-13, "...when the congestion is judged to occur..., a CI (congestion indication) flag at the place concerned on the tree table 81 is renewed from "Nor(Normal) (Congestion Release Status)" to "ALM (Alarm) (Congestion Occurring Status)," which Applicant submits also fails to disclose "congestion notification includes a congestion level and wherein utilization of the congestion notification further comprises reducing control traffic to the network element at which the control plane congestion has been detected, wherein an amount of reduction in control traffic to the network element is based on the congestion level." Thus, Applicant submits claim 31 is in condition for allowance.

Regarding claim 32, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 32. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "sending a first connection setup message along the first routing path." Applicant respectfully disagrees. Applicant can find no such teaching in the cited portion of the cited reference. Thus, Applicant submits claim 32 is in condition for allowance.

Regarding claim 33, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 33. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "sending a second connection setup message along the second routing path." Applicant respectfully disagrees. Not only can Applicant find no such teaching in the cited portion of the cited reference of "sending a first connection setup message along the first routing path," as noted above with respect to claim 32, but also, as another example, Applicant can find no teaching in the cited portion of the cited reference of "sending a second connection setup message along the second routing path."

Moreover, as another example, Applicant can find no teaching as to "an indication of control plane congestion" in the cited portion of the cited reference. Thus, Applicant submits claim 33 is in condition for allowance.

Regarding claim 34, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 34. For example, Applicant notes col. 8, lines 16 and 17, which immediately precede the cited portion of the cited reference, state, "The procedure for forming the H/W table 82 will be described." However, Applicant can find nothing in the cited portion of the cited reference that would teach "...cause the processing module to add congestion information included in the control plane congestion to the network parameters stored in the table" for H/W table 82.

Moreover, as another example, Applicant can find no teaching as to an "indication of control plane congestion" in the cited portion of the cited reference. Thus, Applicant submits claim 34 is in condition for allowance.

Regarding claim 35, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 35. For example, the Examiner cites col. 9, lines 6-19, as allegedly teaching, "...cause the processing module to remove the congestion information from the table after a predetermined time period." Applicant respectfully disagrees. Applicant can find no

mention of a "table" in the cited portion of the cited reference, nor any mention of removing anything from a "table," much less any teaching as to "...cause the processing module to remove the congestion information from the table after a predetermined time period." Thus, Applicant submits claim 35 is in condition for allowance.

Regarding claim 36, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 36. For example, the Examiner cites col. 9, lines 6-19, as allegedly teaching, "...wherein the congestion information includes a level of congestion, and wherein the predetermined time period is based on the level of congestion." As noted above with respect to claim 35, from which claim 36 depends, Applicant can find no teaching as to "...cause the processing module to remove the congestion information from the table after a predetermined time period." Accordingly, Applicant can find no teaching as to "...wherein the predetermined time period is based on the level of congestion."

As another example, Applicant can find no teaching as to "...wherein the congestion information includes a level of congestion...." Thus, Applicant submits claim 36 is in condition for allowance.

Regarding claim 37, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 37. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "...cause the processing module to perform an additional function of relaying the indication of control plane congestion to at least one additional node in the communication network. Applicant respectfully disagrees. Applicant can find no teaching in the cited portion of the cited reference of "...relaying the indication of control plane congestion to at least one additional node in the communication network."

As another example, Applicant can find no teaching of an "...indication of control plane congestion..." in the cited portion of the cited reference. Thus, Applicant submits claim 37 is in condition for allowance.

Regarding claim 38, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 38. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "...cause the processing module to store congestion information included in the indication of control plane congestion in a congestion database." Applicant respectfully disagrees. Applicant can find no teaching of an "...indication of control plane

congestion..." in the cited portion of the cited reference. Thus, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 39. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "...wherein the indication of control plane congestion is received by the processing module via a routing plane." Applicant respectfully disagrees. Applicant can find no teaching in the cited portion of the cited reference of "...wherein the indication of control plane congestion is received by the processing module via a routing plane."

As another example, Applicant can find no teaching in the cited portion of the cited reference of an "...indication of control plane congestion...." As yet another example, Applicant can find no teaching in the cited portion of the cited reference of "...a routing plane...." Thus, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, Applicant submits the cited portion of the cited reference fails to anticipate the claimed invention as set forth in claim 40. For example, the Examiner cites col. 7, line 55, through col. 8, line 15, as allegedly teaching "...wherein the indication of control plane congestion is received by the processing module via a signaling plane." Applicant respectfully disagrees. Applicant can find no teaching in the cited portion of the cited reference of "...wherein the indication of control plane congestion is received by the processing module via a signaling plane."

As another example, Applicant can find no teaching in the cited portion of the cited reference of an "...indication of control plane congestion...." As yet another example, Applicant can find no teaching in the cited portion of the cited reference of "...a signaling plane...."

Moreover, Applicant notes the Examiner has cited col. 7, line 55, through col. 8, line 15, as allegedly teaching "...wherein the indication of control plane congestion is received by the processing module via a routing plane," as recited in claim 39, as well as "...wherein the indication of control plane congestion is received by the processing module via a signaling plane," as recited in claim 40. Applicant can find no teaching in the cited portion of the cited reference as to either "...via a routing plane" or "...via a signaling plane," and Applicant submits that, to whatever extent the Examiner relies on col. 7, line 55, through col. 8, line 15, to allegedly teach "...via a routing plane," the Examiner further undercuts the Examiner's reliance on col. 7, line 55, through col. 8, line 15, as allegedly teaching "...via a signaling plane," and, to whatever extent the Examiner relies on col. 7, line 55,

through col. 8, line 15, to allegedly teach "...via a signaling plane," the Examiner further undercuts the Examiner's reliance on col. 7, line 55, through col. 8, line 15, as allegedly teaching "...via a routing plane." Thus, Applicant submits claims 39 and 40 are in condition for allowance.

Regarding claims 11-19, to whatever extent the Examiner asserts claims 11-19 to have the same limitations as claims 32-40 and rejects them for the same reasons, Applicant notes Applicant's arguments presented above for the allowability of claims 32-40. Thus, Applicant submits claims 11-19 are also in condition for allowance.

Regarding claims 41 and 42, the Examiner states, "...they feature the same limitations as claims 20 and 30-31 and are rejected for the same reasons as claims 20 and 30-31. Applicant respectfully disagrees. For example, Applicant notes that claim 41 includes "such that a scaled back amount of control traffic is sent to the network element at which the control plane congestion has been detected," which is not present in any of claims 20, 30, or 31. Moreover, Applicant notes the Examiner has not alleged any teaching of such feature in the cited reference. Applicant submits the cited portion of the cited reference (col. 8, lines 8-15), teaches away from such feature. Therefore, Applicant submits claim 41 is in condition for allowance.

Regarding claim 42, to whatever extent the Examiner asserts claim 42 to have the same limitations as claims 20, 30, and 31 and rejects them for the same reasons, Applicant notes Applicant's arguments presented above for the allowability of claims 20, 30, and 31. Moreover, Applicant notes that claims 20, 30, and 31 have different limitations, and, therefore, claim 42 cannot have the same limitations as all of claims 20, 30, and 31. Thus, Applicant submits claim 42 is also in condition for allowance.

Regarding claim 43, the Examiner states, "it is considered a broader version of claims 32-33 and is rejected for the same reasons as claims 32-33." To whatever extent the Examiner asserts claim 43 to have the same limitations as claims 32 and 33 and rejects it for the same reasons, Applicant notes Applicant's arguments presented above for the allowability of claims 32 and 33. Thus, Applicant submits claim 43 is also in condition for allowance.

Regarding claims 44-62, to whatever extent the Examiner asserts claims 44-62 to be rejected for the same reasons 20-40, Applicant notes Applicant's arguments presented above for the allowability of claims 20-40. Thus, Applicant submits claims 44-62 are also in condition for allowance.

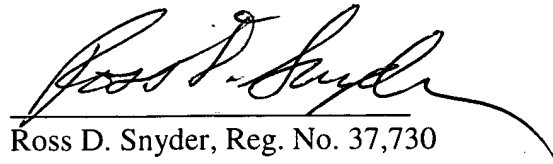


In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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